

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 22-cv-23171-BLOOM/Otazo-Reyes

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

ARBITRADE LTD.;
CRYPTOBONTIX INC.;
TORY R.J. HOGG;
JAMES L. GOLDBERG;
STEPHEN L. BRAVERMAN;
MAX W. BARBER;
SION TRADING FZE,

Defendants.

ORDER ON MOTION FOR RELIEF FROM ORDER OF DISMISSAL

THIS CAUSE is before the Court upon Plaintiff's Motion for Relief from Order of Dismissal of Certain Defendants ("Motion"), ECF No. [67], filed on March 10, 2023. The Court has reviewed the Motion, the record in this case, the relevant case law, and is otherwise fully advised. For the reasons set forth below, the Motion is granted.

On February 8, 2023, the Court entered its Order on Default Procedures, ECF No. [43], in which it ordered Plaintiff to submit a Motion for Entry of Clerk's Default no later than February 22, 2023, if Defendants Max W. Barber ("Barber") and SION Trading FZE ("SION") failed to file any response to the Complaint. *Id.* On February 15, 2023, Barber moved for an extension of time to respond to the Complaint on behalf of himself and SION. *See* ECF No. [56]. The Court granted in part and denied in part the Motion for Extension of time, explaining that because Defendant SION is an entity it must be represented by counsel and cannot be represented by an individual

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appearing *pro se*. ECF No. [57]. The extension of time requested by Defendant Max W. Barber on behalf of Defendant Sion Trading FZE was therefore denied. *Id.* On February 23, 2023, the Court entered an Order of Dismissal Without Prejudice, dismissing SION without prejudice because Plaintiff had not filed a motion for entry of clerk's default in accordance with the Court's Order on Default Procedures. *See* ECF No. [64].

In the instant Motion, Plaintiff seeks relief from its order dismissing SION. The Court finds good cause to grant the relief requested. However, the parties are cautioned that failure to comply with the Court's orders will result in appropriate sanctions, including, but not limited to, dismissal without further notice.

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. The Motion, **ECF No. [67]**, is **GRANTED**.
2. The Order of Dismissal Without Prejudice, **ECF No. [64]**, is **VACATED**.
3. Plaintiff shall submit a Motion for Entry of Clerk's Default with respect to SION no later than March 20, 2023, that includes the certificate of service indicating that notice of this Order was sent to SION, including the address or addresses to which it was sent.
4. The Clerk is directed to **REINSTATE** Defendant SION Trading FZE.

DONE AND ORDERED in Chambers at Miami, Florida, on March 13, 2023.

A handwritten signature in black ink, appearing to be 'JB' or similar, written over a horizontal line.

BETH BLOOM
UNITED STATES DISTRICT JUDGE

Copies to:

Counsel of Record